Atlanta Division of S. J. Groves and Sons Company *and* Local Number 438 of the Laborers' International Union of North America and Carpenters District Council of Atlanta, Georgia, and Vicinity and Local Union Number 926 of the International Union of Operating Engineers and Local Number 148 of the Operative Plasterers and Cement Masons International, Joint Petitioner. Case 10-RC-12593

16 August 1983

DECISION ON REVIEW AND ORDER

BY CHAIRMAN DOTSON AND MEMBERS ZIMMERMAN AND HUNTER

On 21 June 1982 the Regional Director for Region 10 of the National Labor Relations Board issued his Decision and Direction of Election in the above-entitled proceeding in which he directed an election in a unit including four craft groups[1] at all of the Employer's greater metropolitan Atlanta, Georgia, construction sites.[2] Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, the Employer filed a request for review of the Regional Director's decision. The Joint Petitioner filed a brief in opposition to the request for review.

By telegraphic order dated 15 July 1982 the Board granted the Employer's request for review and stayed the ordered election. Thereafter, the Joint Petitioner filed a motion for reconsideration of the stay of election and grant of review. By telegraphic order dated 6 August 1982 the Board denied the Joint Petitioner's motion for reconsideration. The Joint Petitioner also filed a statement on the Board's grant of review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this case, including the statement on review, with respect to the issue under review, and makes the following findings:

The Employer is engaged in heavy and highway construction. It currently has 15 highway construction projects in the Atlanta, Georgia, area. The Employer uses various craft employees in these construction projects, including, *inter alia*, carpenters, cement masons, laborers, power equipment operators, ironworkers, and bricklayers.[3] Truckdrivers also form a considerable portion of the Employer's work force.

There are usually three stages to the Employer's highway construction projects: clearing and demolition; grading, drainage, and structures; and paving and cleaning. The record indicates that all classifications of employees work together on integrated crews during these stages. Thus, crews consist of a complement of employees who may be in one of several classifications, and who are headed by a foreman. For projects like bridge work, a foreman may head a crew of 15 classifications. On cleaning and demolition phases, rodmen, dozer and loader operators, truckdrivers, and laborers may be part of the crew involved. On drainage structure projects, ironworkers work together with carpenters, and bricklayers are also involved. Carpenters, crane operators, and ironworkers may work together on the structure aspect of construction. All employees are paid on an hourly basis, receive the same benefits, and share other common terms and conditions of employment. There are no formal apprentice training programs maintained by the Employer.

The Regional Director concluded that the employees sought by the Joint Petitioner—carpenters, concrete finishers, laborers, and power equipment operators—worked in distinct craft groups and possessed common interests distinguishable from those of other employees.[4] He therefore found that the job classifications in the craft groups petitioned for by the Joint Petitioner constituted an appropriate unit. The Employer contends that the Regional Director's finding was in error in that it improperly carved out a unit of four groups whose functions were not distinguishable from those excluded by the Regional Director from the unit, including ironworkers, bricklayers, truckdrivers, and engineer trainee co-ops. The Joint Petitioner argues that the grouping of four crafts constitutes an appropriate unit in the construction industry. For the reasons that follow, we reverse the Regional Director's finding that the petitioned-for unit is appropriate.

In its recent decision in *Brown & Root, Inc.*, 258 NLRB 1002 (1981), the Board reiterated its stan-

[1] The unit included all carpenters and helpers, concrete finishers and helpers, general laborers, and power equipment operators.

[2] On 23 June 1982 the Regional Director issued an Erratum to his Decision and Direction of Election.

[3] The various classifications of employees employed by the Employer at the construction sites involved herein include, *inter alia*: crane operators, loader operators, mechanics, backhoe operators, dozer operators, lead ironworkers, ironworkers, lead carpenters, carpenters, piledrivers, bricklayers, cement masons, rodmen, instrument men, laborers, lute men, pipelayers, quality control technicians, engineer trainee co-ops, lead truckdrivers, fuel truckdrivers, lowboy drivers, and truckdrivers.

[4] The Regional Director also concluded, *inter alia*, that the unit must encompass all 15 of the Employer's construction projects. There was no request for review of that conclusion.

dard for finding appropriate units in the construction industry:

> In the construction industry, the Board has found a separate unit of craft employees to be appropriate. The Board also has found appropriate a unit of employees that constitute a clearly identifiable and functionally distinct group of employees. [*Id.* at 1003.]

Although the Regional Director recited this standard in reaching his decision, he concluded that, because the unit sought by the Joint Petitioner consisted of four distinct groups, it constituted an appropriate unit. While the Regional Director stated the correct standard, he did not apply it correctly in reaching his decision, and the facts do not support the decision he reached.

As noted above, the record reveals that, during various stages of the Employer's construction projects, craft groups, such as ironworkers and bricklayers, work alongside employees in the four craft groups sought by the Joint Petitioner. Although the Employer's job classifications are capable of being separated into seven craft or functional groups, it does not follow, as found by the Regional Director, that any arbitrary grouping of those crafts constitutes an appropriate collective-bargaining unit. The unit sought here is neither a traditional craft unit, a departmental unit, nor a functional unit. Without more evidence, we cannot find here that a single multicraft or multifunctional unit is appropriate, since the evidence clearly reveals that other craft or functional groups are being excluded from the unit.[5]

Accordingly, we shall dismiss the instant petition.[6]

ORDER

It is hereby ordered that the petition filed herein be, and it hereby is, dismissed.

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[5] The cases cited by the Joint Petitioner do not support its contention that its requested unit is appropriate. In *Denver Heating, Piping & Air Conditioning Contractors Association*, 99 NLRB 251 (1952), separate homogeneous craft groups were found appropriate. In *R. B. Butler, Inc.*, 160 NLRB 1595 (1966), the employees were grouped by function. In *Hychem Constructors*, 169 NLRB 274 (1968), a unit of pipefitters, helpers, and welders was found appropriate because of craft status and integration. Other cases cited by the Joint Petitioner are to the same end; i.e., the cases support the concept that craft or functional groups can constitute appropriate units in the construction industry. They are not precedent for finding appropriate a unit of *any* grouping of employees.

[6] Because we have concluded that the exclusion of traditional crafts from the petitioned-for unit renders the unit inappropriate, we do not reach the issue of whether the truckdriver classifications and engineer trainee co-op employees should also have been included in the unit. Since the Joint Petitioner did not indicate a desire to participate in an election which was not limited to the four crafts it sought to represent, we shall dismiss the petition. We do not construe the Joint Petitioner's request that the election scheduled by the Regional Director be conducted and the bricklayers and ironworkers be voted subject to challenge as an indication that it intended to or would represent those employees.